

NOTICE OF ADOPTION OF FINAL RULE

Department of Environmental Protection

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION by Section 1403 (c) of the New York Charter and Section 24-105 of the New York City Administrative Code, that the Department of Environmental Protection has amended its rules concerning the establishment of fees. These amendments were proposed and published in the City Record on June 22, 2016 and no written comments were received thereafter. A public hearing was held on July 27, 2016. No testimony was given at the hearing.

Statement of Basis and Purpose of Rule

On May 6, 2016, Subchapter 5 of Title 24, Chapter 1 of the Administrative Code was repealed. The repealed subchapter had set forth fees for the Air Pollution Control Code. A rule was promulgated to replace the fees which had been set forth in the repealed subchapter; however, certain fees were not carried over. The purpose of this rule is to carry over those omitted fees.

New text is underlined; deleted material is in [brackets].

The text of the Rule follows.

Section 1. Section 34-03 of Chapter 34 of Title 15 of the Rules of the City of New York is amended to read as follows:

§ 34-03 Registration Fees. The fee for a new registration or registration renewal is as follows:

(a) (1) For boilers or water heaters:

Input in MMBTU/HR	Fee No.2 FUEL OIL &/Or NATURAL GAS	Fee No.4 FUEL OIL ONLY OR #4 FUEL OIL & NATURAL GAS
0.35 to less than 1.0	\$110	\$110
1 to less than 2.8	\$190	\$345
2.8 to less than 4.2	\$345	\$345

(a)(2) The fee for each field re-inspection required because of a notice of disapproval for a major deficiency shall be equal to the fee required in paragraph (1) of this subdivision for those boilers and water heaters 2.8 to less than 4.2 MMBTU/HR.

(a)(3) There shall be an additional fee imposed for each registration issued or renewed on the basis of a notarized affidavit supplied in response to a notice of disapproval for a minor deficiency issued after a field inspection shall be equal to fifty percent of the fee required in paragraph (1) of this subdivision for those boilers and water heaters 2.8 to less than 4.2 MMBTU/HR.

Section 2. Section 34-04 of Chapter 34 of Title 15 of the Rules of the City of New York is amended by adding new subdivisions (n), (o) and (p), to read as follows:

(n) The fee for each field re-inspection required because of a notice of disapproval for a major deficiency shall be equal to the fee required in subdivisions (a) through (i) of this section.

(o) There shall be an additional fee imposed for each operating certificate issued or renewed on the basis of a notarized affidavit supplied in response to a notice of disapproval for a minor deficiency issued after a field inspection shall be equal to fifty percent of the fee required in subdivisions (a) through (i) of this section.

(p) The expiration date of a valid operating certificate may be abridged by the commissioner for the convenience of the department for good cause shown. The fee to renew the abridged operating certificate shall be reduced by one third per each full or partial year that the unabridged operating certificate would have been, as set forth in subdivisions (a) through (i) of this section.